

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

G.O. AMERICA SHIPPING COMPANY,
INC., a corporation registered in the Republic
of the Marshall Islands,

Plaintiff,

v.

CHINA COSCO SHIPPING CORPORATION
LIMITED, a company registered in the People
Republic of China, CHINA SHIPPING
INDUSTRY, (Shanghai Changxing) Co. Ltd.,
and COSCO SHIPPING HEAVY INDUSTRY
CO., subsidiaries of CHINA COSCO SHIPPING
CORPORATION LIMITED,

Defendants.

Case No. C17-0912RSM

ORDER DENYING PLAINTIFF'S
MOTION FOR RULE B ATTACHMENT

THIS MATTER comes before the Court on Plaintiff's Motion and Declaration for Rule B Attachment. Dkt. #3. Rule B maritime attachments serve the dual purpose of obtaining jurisdiction over an absent defendant and securing collateral for a potential judgment in plaintiff's favor. *Aqua Stoli Shipping Ltd. v. Gardner Smith Pty. Ltd.*, 460 F.3d 434, 437 (2d Cir. 2006), *overruled on other grounds by Shipping Corp. of India Ltd. v. Jaldhi Overseas Pte Ltd.*, 585 F.3d 58, 61 (2d Cir. 2009) (mini en banc). The elements for a Rule B writ of maritime attachment are: "(1) Plaintiff has a valid prima facie admiralty claim against the defendant; (2) defendant cannot

1 be found within the district; (3) property of the defendant can be found within the district; and
2 (4) there is no statutory or maritime law bar to the attachment.” *Equatorial Marine Fuel Mgmt.*
3 *Servs. Pte Ltd. v. MISC Berhad*, 591 F.3d 1208, 1210 (9th Cir. 2010) (citing *Aqua Stoli Shipping*,
4 460 F.3d at 445; Fed. R. Civ. P., Supp. R. B).

5 In the instant matter, Plaintiff has satisfied elements one and two – it appears to have a
6 valid *prima facie* admiralty claim against Defendants and has filed a sufficient Declaration
7 demonstrating that Defendants cannot be found within the District. However, Plaintiff fails to
8 convince the Court that property of Defendants can be found within the District. Indeed, all
9 Plaintiff alleges is that “upon information and belief” the Defendants have or will have property
10 in this District. Dkt. #3 at 2. The motion itself, the proposed Order and proposed Writ for the
11 U.S. Marshals all fail to identify any specific property to attach.
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14 Accordingly, having reviewed Plaintiff’s Motion for Rule B Attachment, and the
15 remainder of the record, the Court hereby ORDERS that Plaintiff’s Motion for Rule B
16 Attachment (Dkt. #3) is DENIED.

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18 Additionally, Plaintiff’s Motion to Appoint Special Process Server (Dkt. #3) is DENIED
19 AS MOOT.

20 Nothing in this Order precludes Plaintiff from renewing its motion once specific property
21 has been identified.

22 DATED this 14 day of June, 2017.
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27 RICARDO S. MARTINEZ
28 CHIEF UNITED STATES DISTRICT JUDGE